

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ELOISA MARQUEZ, RICHARD MARTINEZ
DESTINEY MARTINEZ and ANDRELLITA MARTINEZ,

Plaintiffs,

No. 1:15-cv-00787 KBM-LF

vs.

OFFICER RYAN LEVINE, in his official capacity as a commissioned law enforcement officer and individual capacity, OFFICER RYAN KUEHL, in his official capacity as a commissioned law enforcement officer and individual capacity, and the NEW MEXICO STATE POLICE DEPARTMENT,

Defendants.

PLAINTIFFS' REPLY TO DEFENDANT'S OPPOSITION IN RESPONSE TO PLAINTIFFS' PURPORTED "PARTIALLY UNOPPOSED MOTION FOR[PROTECTIVE ORDER]"[SIC]

COME NOW Plaintiffs, by and through their counsel of record, Pilar Tirado Murray, and in response to Defendants' pleading [Doc. 63 filed at 2:48 p.m.] state as follows:

1. A conversation took place between counsel. It was initiated by Mr. Apodaca.
2. Mr. Apodaca said he planned to draft objections to Plaintiffs' responses to his discovery responses in a day or two and to file other motions. As to Plaintiffs' motion, **Exh. A**, Mr. Apodaca proposed a one-line stipulated motion "based on the voluminous discovery requests of *both parties*" that extended the time for filing of all Motions to Compel to 20 days, i.e. to January 25, 2016. Alternatively, Mr. Apodaca proposed an extension of 20 days if Plaintiffs would allow Defendants' to "tweak" Plaintiffs' proposed motion. He was concerned, he said, with aspects of the motion that closely resembled a Motion to Compel (i.e. Plaintiffs' proposed inclusion of her detailed good faith letters).
3. The undersigned carefully considered Mr. Apodaca's proposal and his remarks and

made appropriate changes. About an hour later, she contacted Mr. Apodaca in an email.

Exh. B, Doc 61, 62.

4. Receiving no further response from Mr. Apodaca, written or otherwise, the undersigned uploaded her Motion to EM/CMF [Doc 61 filed 12:59 p.m.] **Exh. C**

5. Experiencing the usual technical difficulties in converting Word files into PDF, she then re-filed her document with an amended title [Doc 62 filed 1:05 p.m.] **Exh. D**, sending a proposed Order to Mr. Apodaca for his review. **Exh. E**.

6. Throughout this time, the undersigned checked her inbox and spam at jurisprudence@writeme.com and plmbbackupemail@gmail.com.¹ There was nothing there from Mr. Apodaca. Mr. Saucedo or Ms. Locson. See, *Defendants' Response, et al*, Exh. B-C [Doc 63].

7. Mr. Apodaca asserts that my phone messages, pleadings and interactions with his staff are confusing and abusive. In all instances where he has made such accusations, there has been no basis in fact for his representations. I can only imagine that he is behaving in this way to avoid his obligations under the rules of discovery and to exhaust the time and resources of this solo practitioner.

RESPECTFULLY,

/s/Pilar Tirado Murray
Pilar Tirado Murray
Counsel for Plaintiffs
P.O. Box 2532
Ranchos de Taos, NM 87557

¹ Due to unprecedeted complaints by Mr. Apodaca on December 14, 2015, that he was unable to email Ms. Murray at her address of record (employees of SaucedoChavez, P.C. are the only ones who appear to be having this problem) and would contact me in the future by mail or fax alone, I created a gmail account exclusively for his use, plmbbackupemail@gmail.com.

(575) 779-7054
jurisprudence@writeme.com

I certify that I served a copy of
the foregoing on Frank Apodaca
and his associate, Chris Saucedo,
on this 5th day of January, 2016
via EM/CMF.

/s/Pilar Tirado Murray